

NSW Rape Crisis Centre

Working Against Sexual Violence



9.8.07

Jackie Morris
Committee Secretary
Senate Legal and Constitutional Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Dear Ms Morris,

We write to raise our concerns about the plans by the Prime Minister to respond to the child sexual assault of Aboriginal children in the Northern Territory

We view his response as being punitive and reactionary and will add to, rather than resolve the trauma of years of violence and abuse.

At the onset it must be stated that there is a great need for all levels of Government, Aboriginal organisations and other relevant community organisations to work together to stop this terrible abuse and to assist communities to feel empowered to recover. Our concern is that the measures being put into action will not work.

Sexual assault is about power and control. It is a crime in which the victim is humiliated and degraded. During the assault/s the victim is often in considerable pain and fears for their life. In most sexual assaults the crime is committed by a person known and trusted by the victim. The assault is a violent and brutal way of fracturing trust and changing the victim's world view. Sexual assault traumatises the victim. The short and ongoing impacts of trauma are considerable and can include depression, drug and alcohol abuse, a heightened and permanent state of fear, anger, self harm and suicide. All are common symptoms in many Aboriginal communities.

In assisting a person to recover from trauma there are a number of key elements. These include: ensuring the person is, and feels, safe; giving the person back their power to make decisions about their life and their body; decreasing the person's isolation from family and supporters; and assisting them to manage the impact of what has happened.



The first priority in child sexual assault is the child's recovery. Criminal justice intervention is an important but second priority.

In any government organised support the first step is access to a counsellor who will therapeutically support the child and their non offending family members and arrange for follow up counselling. At this point, if safety from the perpetrator is an issue, the Police have a range of actions they can take. Information about medical and forensic examinations is provided during this initial contact. The victim's informed consent, or if the child is under 14, their non offending parent's consent is essential for such procedures to occur.

Without informed and full consent a forensic or any medical intervention would be terrifying for the person being examined. Where sexual assault has occurred a non consensual examination would considerably increase the person's trauma. The spectra of such activities being organised or forced by Police or Military personnel will be reminiscent of past atrocities for many Aboriginal people both young and old.

Australian and international research clearly identifies that best practice work with highly disadvantaged communities must be holistic. Foundational to this approach is respect for the communities expertise and knowledge of the situation. This principle includes ensuring the communities have input into the solutions and the methods of implementation. Therefore in addition to Police and medical personnel a multi disciplinary and multi cultural team which includes educators, social and community workers is required. Members of the team must work with and be accountable to the community. Individual counselling is not a culturally appropriate first step in many Aboriginal communities but women's and men's business is the cultural building block on which much can be achieved. Respecting, supporting, consulting and working with this culturally empowering means of processing and responding to community issues will lead to locally developed and appropriate responses. Police, medical and social services can then provide the requested supports to the communities so they can take action and achieve their goals.

It must never be assumed that this work will be easy, short term or 100% effective in every circumstance. Working with one person toward recovery from trauma is difficult, working with a traumatised community toward recovery is a course of many complexities. It has been identified by many Indigenous women for many years, and more recently by one brave and powerful white woman, that in many Indigenous communities every member is traumatised as a result of sexual and other violence. What is clear is that any intervention will fail if it is perpetrated against the community rather than done in collaboration with that community. Similarly, taking punitive action against the symptoms of the problem, such as a six month ban on alcohol and pornography will not work. Regardless of how well intentioned those who

go to do the Prime Minister's bidding are, without a multi disciplinary team approach, which has guaranteed resources for long term work, the intervention will fail.

In any and all work in this area we must firstly respond from best practice and evidence based work. While it is always important to incorporate cultural understandings into any response, trauma is experienced by all people in similar ways. To respond to a non Aboriginal child who has been sexually assaulted with therapeutic care and compassion which respects their dignity and right to safety and then respond to an Aboriginal child with a forced medical examination and assume that by removing alcohol and pornography from the perpetrator will resolve the issue is racist in the very least.

In making recommendation on the current legislation please look to the work that has been done, to our well developed understanding of trauma in Australia, to the many consultations and successful programs in Aboriginal communities. Please listen to the experience of many, Aboriginal and non Aboriginal people, who continue to work long term against social disadvantage and the impact of trauma. Continually where there is failure it has resulted from a lack of inter-government and multi disciplinary approach and/or limited resources or timeframes. Overwhelmingly Australians want to see an end to child sexual assault and other violence in Indigenous communities but a short term, poorly resourced reaction which is not evidenced based or holistic in approach will not take anyone closer that goal.

We of course are more than willing to assist in any way we can.

Yours sincerely

Karen Willis
Manager